

**FOR IMMEDIATE RELEASE**  
**April 7, 2005**

**(R-2558)**  
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**LABOR BOARD GRANTS REVIEW AND INVITES BRIEFS TO BE  
FILED IN ALYESKA PIPELINE SERVICE COMPANY**

The National Labor Relations Board on April 6 granted the Employer's request for review of the Regional Director's Supplemental Decision and Direction of Election in a case raising the issue of whether the Employer is a "public utility" for purposes of application of the Board's public utility presumption in making bargaining unit determinations. The case involves the Alyeska Pipeline Service Co. (19-RC-14600).

On the same date the Board also formally issued a notice inviting the parties and interested amici to file briefs on the issues raised in the case. The full text of the Board's notice is attached.

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UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ALYESKA PIPELINE SERVICE CO.  
Employer

and

Case 19-RC-14600

PAPER, ALLIED-INDUSTRIAL,  
CHEMICAL AND ENERGY WORKERS,  
LOCAL 8-0369, AFL-CIO  
Petitioner

NOTICE AND INVITATION TO FILE BRIEFS

On April 6, 2005, the Board granted the Employer's Request for Review of the Regional Director's Supplemental Decision and Direction of Election in the above-captioned case. The Board invites the filing of briefs in order to afford the opportunity to the parties and interested amici to fully address the issues raised in the case, including the issues listed below.

The parties and interested amici are invited to file briefs with the Board in Washington, D.C. on or before May 23, 2005, addressing the issue of how the Board should determine the appropriate bargaining unit in this case. Eight copies of the brief should be submitted, which shall not exceed 50 pages in length. The briefs should address the following questions and any other relevant issues. The parties may file responses to these briefs on or before June 6, 2005, which shall not exceed 20 pages in length. No other responsive briefs will be accepted.

1. Is the Employer, Alyeska Pipeline Service Co., which operates and maintains the Trans Alaska Pipeline System, including the Valdez Marine Terminal, a "public utility" for purposes of application of the Board's public utility presumption in making bargaining unit determinations?
2. To what extent, if any, should the status of the Employer, Alyeska Pipeline Service Co., as an operating service company for the pipeline,

rather than as owner of the pipeline, affect the bargaining unit determination in this case?

3. To what extent, if any, are the Board's decisions in natural gas pipeline company cases such as Michigan Wisconsin Pipe Line Co., 194 NLRB 469 (1971), Colorado Interstate Gas Co., 202 NLRB 847 (1973), Natural Gas Pipeline Co. of America, 223 NLRB 1439 (1976), and Tennessee Gas Pipeline, 254 NLRB 1031 (1981) applicable to this case which involves an oil pipeline?
  - a. Assuming arguendo that the natural gas pipeline cases apply to the Employer, what effect, if any, has deregulation of the natural gas industry had on the continued viability of the Board's decisions in Michigan Wisconsin Pipe Line Co., 194 NLRB 469 (1971), Colorado Interstate Gas Co., 202 NLRB 847 (1973), Natural Gas Pipeline Co. of America, 223 NLRB 1439 (1976), and Tennessee Gas Pipeline, 254 NLRB 1031 (1981)?
  - b. Assuming arguendo that the natural gas pipeline cases do not apply to the instant oil pipeline case or assuming arguendo that the natural gas pipeline cases are no longer viable, see 3(a) above, should the system-wide unit presumption nonetheless apply because of the importance of oil to the national economy?
4. Is Alyeska Pipeline Service Co. similar to oil pipelines in the lower 48 States, or should it be treated as a uniquely situated entity for purposes of bargaining unit determinations because of various factors, including the geographic remoteness of the pipeline and the fact that the pipeline supplies oil directly to refineries in Alaska that provide heating oil to customers in the state?

Dated, Washington, D.C., April 6, 2005

By direction of the Board:

Lester A. Heltzer  
Executive Secretary